

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DEBRA C.,

No. 6:17-CV-00617-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

Plaintiff Debra C. brought this action seeking review of the Commissioner's final decision to deny Disability Insurance Benefits. On April 30, 2018, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Order, ECF 19. Judgment was also entered on April 30, 2018. ECF 20. On November 6, 2023, Plaintiff's counsel received notice of Plaintiff's award for benefits. Pl. Mot. Ex. 2, ECF 26-2.

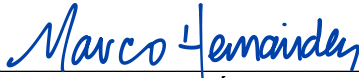
Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Pl. Mot., ECF 26. Defendant neither supports nor opposes the request. Def. Resp., ECF 27. The Court has reviewed

the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [26] and awards Plaintiff's counsel \$16,839.00 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$2,314.41 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Upon payment of the § 406(b) fees, Plaintiff's counsel will refund any EAJA fees received by counsel to Plaintiff. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED: December 8, 2023.



MARCO A. HERNÁNDEZ
United States District Judge